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11-13-00

CPA/6M-3764#

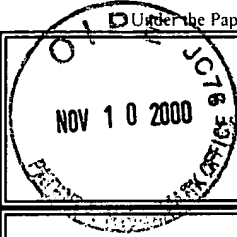
PTO/SM/29 (1/98)

Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office; US Department of Commerce

#35

11/15/00

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable
☒ DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

Attorney Docket No.

First Named Inventor

FRENCH, JAY

Examiner Name

RICHMAN, G

Group/Art Unit

3764

Express Mail Label No.

EM157756038US

This is a request for a X continuation or _____ divisional application under 37 C.F.R. § 1.53(d), (continued prosecution application (CPA)) of prior application number 08 / 884,546, filed on 6/27/97, entitled Hydrotherapy and Exercise Device with Integrated Lift and Treadmill Means (as amended).

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application can not be filed as a CPA under 35 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of this request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the application under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. _____ Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. _____ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
 - a. _____ DELETE the following inventor(s) named in the prior nonprovisional application:

 - b. _____ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. _____ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. _____ PTO-1449
 - b. _____ Copies of IDS Citations

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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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01 FC:241
02 FC:202
03 FC:204
04 FC:203

355.00 OP
80.00 OP
135.00 OP
36.00 OP
1.00 OP

CPA REQUEST

05 FC:998

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))		26 -20**=	6	x\$ 18 =	\$ 108.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (j))		5 -3**=	2	x\$ 78 =	156
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+\$ 260.00 =	260
				BASIC FEE (37 C.F.R. § 1.16)	690
Total of Above Calculations =					1,214
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					X 1/2
*Reissue claims in excess of 20 and over original patent. **Reissue independent claims over original patent.				TOTAL =	607.00

6. Small entity status:
- a. _____ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. X A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. _____ Is no longer claimed.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. _____.
- a. _____ Fees required under 37 C.F.R. § 1.16.
- b. _____ Fees required under 37 C.F.R. § 1.17.
- c. _____ Fees required under 37 C.F.R. § 1.18.
8. A check in the amount of \$642.00 is enclosed.
9. New Attorney Docket Number, if desired _____
10. a. _____ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. _____ Return Receipt Postcard (should be specifically itemized, See MPEP 503)
11. Other: _____

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS

_____ Customer number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or _____ New correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Fax	

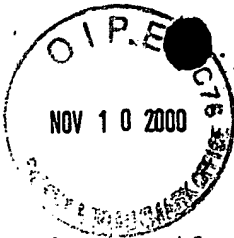
11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Bruce J. Clark

Signature 

Registration No. (Attorney/Agent) 31,339

Date 11/10/2000 (Friday)



Express Mail No. EM157756038US

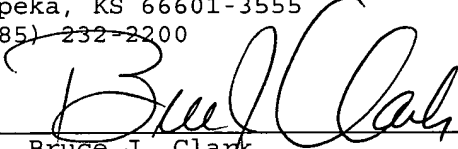
CERTIFICATE OF MAILING

I hereby certify that the CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL for Application No. 08/884,546 and a filing fee check in the amount of \$607.00 is being deposited with the United States Postal Service, mailed by "Express Mail" on this 10th day of November, 2000, pursuant to 37 CFR 1.53(d) addressed to the Assistant Commissioner for Patents, Box CPA, Washington, D.C. 20231, and in accordance therewith a filing date of November 10, 2000, is requested.

WRIGHT, HENSON, SOMERS, SEBELIUS,
CLARK & BAKER, LLP
Commerce Bank Building Downtown, 2nd Fl.
100 E. 9th St., P.O. Box 3555
Topeka, KS 66601-3555
(785) 232-2200

Date: November 10, 2000

By


Bruce J. Clark
Registration No. 31,339

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